

Town of Lovettsville

Town Council Minutes of Public Hearing and Regular Meeting October 8, 2009

The Lovettsville Town Council Public Hearing on the Awarding of Contracts for I&I Rehabilitation was called to order by Mayor Elaine Walker at 8:07 P.M. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting and introduced Vice Mayor Robert Zoldos II, and Council Members Charlotte Coleman, Scott Dockum, and DiJon Jones. She also introduced the Town Staff, including Town Manager Keith Markel, Town Attorney Liz Whiting, Zoning Administrator Steve McGregor, Project Manager Karin Fellers, and Town Clerk Judy Kromholz.

Absent: Council Members Michael Senate and Shaun Staley.

Explanation of Procedures and Opening of the Hearing

Mayor Walker read the Public Notice of this Public Hearing as it appeared in *Leesburg Today* (Attachment I).

Presentation

Manager Markel presented this item (Attachment II).

Public Speakers

Mayor Walker noted for the record that no Town residents were present to speak, although there were residents of the community present who did not sign up to speak. Attorney Whiting stated that convening a few minutes after the hour advertised presents no legal hurdle to the validity of the Hearing. The hearing was held open for 10 additional minutes, no member of the public came.

Mayor Walker asked if any communications had been submitted to Town Hall for presentation at the Hearing and Town Clerk Kromholz stated there were none as of close of business today.

Declaration to close the Public Hearing

Mayor Walker stated that this issue would be open for comments for an additional ten days and declared this Public Hearing closed at 8:15 P.M.

Mayor Elaine Walker called the regular monthly meeting of the Lovettsville Town Council to order at 8:15 P.M. on Thursday, October 8, 2009.

Present at Meeting

- Mayor Elaine Walker
- Vice Mayor Robert Zoldos II
- Council Members Charlotte Coleman, Scott Dockum, DiJon Jones
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- *Treasurer Lance Gladstone arrived at 8:25 P.M.*
- Zoning Administrator Steve McGregor
- Project Manager Karin Fellers
- Town Clerk Judy L. Kromholz

Absent

- Council Members Michael Senate and Shaun Staley

Audience

Present in the audience was Frank Kromholz.

Call to Order/Welcome/Pledge of Allegiance/Invocation

Mayor Walker led the assembled in the Pledge of Allegiance.

Loudoun County Sheriff's Office

Loudoun County Deputy Sheriff Mertz-Myers reviewed last month's statistics. She stated that there had been no significant incidents except for a drug warrant served on East Broad Way. She reminded those present to lock their cars at all times. Councilman Dockum asked about the children playing in the middle of the street on South Loudoun Street and East Broad Way and Deputy Mertz-Myers encouraged those present to call the Sheriff's Office when they see this activity.

Additions/Deletions/Modifications to the Agenda

There were no changes to the agenda.

Presentations

No presentations were scheduled.

Approval of Town Council Minutes

A. Regular Meeting – July 9, 2009

Motion: To approve the minutes of the July 9, 2009 Town Council Meeting as amended.
By: Vice Mayor Zoldos
Second: Council Member Jones
Aye: Council Members Dockum, Jones, Zoldos
Nay: None
Abstain: Council Member Coleman
Absent: Council Members Senate, Staley

Staff Reports

Manager Markel reported that the Planning Commission has elected Mari Bushway as Chairwoman and Rodney Gray as Vice Chairman. The Commission recommended passing LVZA 2009-0006 Model Home; Construction and/or Sales Trailer – Zoning Ordinance Amendment. He reported that the Comprehensive Plan Advisory Committee has been meeting twice each month and is making good progress.

Consent Agenda

There were no items on the consent agenda.

Action/Discussion Items

A. Inflow and Infiltration Debt Financing - Issuance of General Obligation Bonds

Manager Markel explained that the Council cannot vote on this issue at this meeting because two of the elected Councilmen are not present. The vote will be taken at the October 22, 2009 Council meeting. Project Manager Fellers stated that the Town will issue the Notice of Award, but cannot issue the Notice to Proceed until the Ordinance is passed. Manager Markel and Project Manager Fellers will consult with Bond Council to ensure that the Town's timing and procedures are appropriate.

Report from the Treasurer

A. Financial Report – June 2009

Treasurer Gladstone arrived at 8:25 P.M. during the previous discussion. Treasurer Gladstone presented the Financial Report for June 2009. The Council had no questions on the General Fund. Manager Markel noted that the Town has purchased a portable generator instead of renting one for emergencies. Mayor Walker noted that the Town received a very good price for the generator. There being no further questions, Mayor Walker called for the vote.

Motion: To approve the June 2009 Treasurer's report as presented.
By: Council Member Dockum
Second: Council Member Coleman
Aye: Council Members Coleman, Dockum, Jones, Zoldos
Nay: None
Abstain: None
Absent: Council Members Senate, Staley

Action Items (Continued)

B. Acceptance of Inflow & Infiltration Maintenance Program

Project Manager Fellers presented this item, stating that the Town must submit this to the Virginia Department of Environmental Quality in early November. Council has not submitted any questions since their last discussion. Councilman Dockum stated that he has reread the program and is comfortable.

Motion: I move that Town Council direct Staff to forward the I&I Program, with Town Council recommended changes, to DEQ for their review.

By: Council Member Coleman

Second: Council Member Dockum

Mayor Walker called for additional discussion. Vice Mayor Zoldos asked for the remaining timetable. Project Manager Fellers stated that once this is submitted there are no further timeline requirements. There being no further discussion, Mayor Walker called for the vote.

Aye: Council Members Coleman, Dockum, Jones, Zoldos

Nay: None

Abstain: None

Absent: Council Members Senate, Staley

C. Award of Contract for Germanna Drive Improvements

Project Manager Fellers presented this item and distributed the PHR+A recommendation. Councilman Dockum asked what the next step will be if this is passed and Project Manager Fellers stated that the Town will issue a Notice of Award to the contractor. The contractor will then submit the final paperwork and affected residents will be notified before work begins. Mayor Walker asked if VDOT should be notified and Project Manager Fellers stated that the Town will notify VDOT when the work begins. Mayor Walker requested that the VDOT notification be done in writing. There being no further discussion, Mayor Walker called for the vote.

Motion: I move that Town Council award the Germanna Drive Improvements contract to American Contractors for an amount of \$62,692.30 plus a contingency of \$9,400 and authorize the Mayor or Town Manager to sign the appropriate paperwork once in a form acceptable to the Town Attorney.

By: Vice Mayor Zoldos

Second: Council Member Jones

Aye: Council Members Coleman, Dockum, Jones, Zoldos

Nay: None

Abstain: None

Absent: Council Members Senate, Staley

D. Bike Path Grant Application Resolution Approval

Project Manager Fellers reported that staff continues to work on completing the application, including accumulating letters from the community supporting the bike path. The packet should be sent to the County in early November and must include this resolution. There being no further discussion, Mayor Walker called for a motion and the vote.

Motion: I move that the Town Council adopt Resolution 2009-10-01 to accompany the Enhancement Funding Application for Phase II of the Bike Path (Attachment III).

By: Council Member Jones

Second: Council Member Coleman

Aye: Council Members Coleman, Dockum, Jones, Zoldos

Nay: None

Abstain: None

Absent: Council Members Senate, Staley

Vice Mayor Zoldos thanked Project Manager Fellers for keeping the dream alive. Staff and Council thanked Councilman Dockum for riding his bike along Route 287 to provide photos that show the need for the bike path.

Information Items

No information items were presented.

Comments from the Mayor and Town Council

Vice Mayor Zoldos reminded those present that the last movie night of the year is tomorrow night, October 9, 2009 and will be *Abbott and Costello meets Frankenstein*. He requested that anyone who can help with setup meet at 6:45 P.M. He also reported that there will be a Columbus Day concert in front of Lovettsville Pizza and Subs which will feature five or six local young people's bands.

Councilman Dockum congratulated Manager Markel and Attorney Whiting on the favorable outcome of the court case brought by Mr. Lam against Mr. Markel. He asked Manager Markel to prepare certificates

for presentation to the members of the Oktoberfest Committee. Manager Markel noted that the Committee is planning a final report to Council and suggested presenting certificates at that meeting.

Councilwoman Coleman asked if the Town was doing anything to commemorate Veterans Day. Mayor Walker stated that she is planning an event with the Ruritan Club as usual.

Mayor Walker noted that all but one of the workgroups have not formed yet. Manager Markel reported that no one has responded to our advertisements for members. There have been notices in the local newspapers, on the Town web-site and in the Town's weekly email.

Mayor Walker reported on the following:

- There will be a PATH Power Line meeting at the Lovettsville Community Center on November 19, 2009. This will start earlier than the Town Council meeting at the Lovettsville Elementary School on the same night.
- She will be attending the Mayors' Conference and both she and Manager Markel will be attending the VML conference next week.
- Monday, October 12th is Columbus Day and Town Hall will be closed.
- She reported that Manager Markel was cleared by the court of all FOIA charges brought by Mr. Bing Lam. She thanked Attorney Whiting for the excellent work she had done in this matter.

Adjournment

There being no further business before the Council, Mayor Walker asked for a motion.

Motion: To adjourn the October 8, 2009 meeting of the Lovettsville Town Council
By: Council Member Jones
Second: Council Member Coleman
Aye: Council Members Coleman, Dockum, Jones, Zoldos
Nay: None
Abstain: None
Absent: Council Members Senate, Staley

The meeting was adjourned at 9:15 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Date Approved: January 14, 2010

Attachments:

- I. *Leesburg Today* Public Notice of Public Hearing
- II. Staff Report: Award of Contracts for I&I Rehabilitation
- III. Resolution 2009-10-01 to accompany the Enhancement Funding Application for Phase II of the Bike Path

LEGAL AND PUBLIC NOTICES

the County of Virginia: Section 3, AT BLUE as the same dedicated in ent Number 250040959 tted as In- Number 250040960, the land re- of Loudoun Virginia.

<https://www.specofva.com/>
9/18 & 9/25/2009

NOTICE OF TRUSTEE'S SALE

In execution of a certain deed of trust dated August 1, 2006, and recorded on August 2, 2006 in the Clerk's Office of the Circuit Court for the Loudoun County, Virginia, AS INSTRUMENT #20060802-0066824, from the Original Borrower(s) to Suellen Wohlfarth, Trustee(s), and default having been made in the payment of the debt secured, with the original principal balance of \$344,000.00, and at the request of the beneficiary under said deed of trust the undersigned, having been duly appointed Substitute Trustee(s), has declared all the debts and obligations secured by the deed of trust due and payable and will offer for sale at public auction to the highest bidder in front of Loudoun County Circuit Courthouse 18 East Market Street Leesburg Virginia 20176, on September 28, 2009, at 8:30 AM, the following described property located at 43097 Candlewick Square, Leesburg, Virginia 20176, and more particularly described as FOLLOWS, TO WIT:

All the following-described lot or parcel of land together with improvements thereon, situate, lying and being in the County of Loudoun, Commonwealth of Virginia:
Lot 66, Section Four (4) POTOMAC STATION, as the same appears duly dedicated, platted and recorded in Deed Book 1523 at Page 1640, among the land records of Loudoun County, Virginia.

This conveyance is subject to all easements, restrictions, conditions, and reservations of record affecting the title to the property hereinabove described.
The beneficiary reserves the right to bid at said sale.

TERMS OF SALE: Certified funds, cashiers checks, trust account checks.

A bidder's deposit of TEN percent (10%) MUST be present at the time of the Trustee's Sale with settlement in full to be made within 15 days from the date of the said sale.

This notice is an attempt to collect a debt and any information obtained will be used for that purpose.

TS#: 09-V19177VA
Loan Type: CONV
For Information Contact:

SPECIALIZED INC., OF VIRGINIA, SUBSTITUTE TRUSTEE
722 E MARKET STREET Suite 200 LEESBURG, VIRGINIA 20176 (703) 779-0080 Call between 9AM-11AM ONLY <https://www.specofva.com/>

9/18 & 9/25/2009

NOTICE OF TRUSTEE'S SALE

In execution of a certain deed of trust dated August 25, 2006, and recorded on August 29, 2006 in the Clerk's Office of the Circuit Court for the Loudoun County, Virginia, AS INSTRUMENT #20060829-0074218, from the Original Borrower(s) to Benjamin C. Winn, Jr., Esquire, Trustee(s), and default having been made in the payment of the debt secured, with the original principal balance of \$477,500.00, and at the request of the beneficiary under said deed of trust the undersigned, having been duly appointed Substitute Trustee(s), has declared all the debts and obligations secured by the deed of trust due and payable and will offer for sale at public auction to the highest bidder in front of Loudoun County Circuit Courthouse 18 East Market Street Leesburg Virginia 20176, on September 28, 2009, at 8:30 AM, the following described property located at 38

Lot 132, Phase 2B, NEW TOWN MEADOWS, as the same is duly dedicated in Instrument Number 200509090101721 and as shown on a plat at Instrument Number 200509090101722, both recorded among the land records of Loudoun County, Virginia.

Stocks Street, Lovettsville, Virginia 20180, and more particularly described as FOLLOWS, TO WIT:

All that certain lot, piece or parcel of land, with all improvements thereon and all appurtenances thereto belonging, located and being in the County of Loudoun, Commonwealth of Virginia, and being designated as follows:

Lot 132, Phase 2B, NEW TOWN MEADOWS, as the same is duly dedicated in Instrument Number 200509090101721 and as shown on a plat at Instrument Number 200509090101722, both recorded among the land records of Loudoun County, Virginia.

This conveyance is subject to all easements, restrictions, conditions, and reservations of record affecting the title to the property hereinabove described.

The beneficiary reserves the right to bid at said sale.

TERMS OF SALE: Certified funds, cashiers checks, trust account checks.

A bidder's deposit of TEN percent (10%) MUST be present at the time of the Trustee's Sale with settlement in full to be made within 15 days from the date of the said sale.

This notice is an attempt to collect a debt and any information obtained will be used for that purpose.

TS#: 09-V18403VA
Loan Type: CONV
For Information Contact:

SPECIALIZED INC., OF VIRGINIA, SUBSTITUTE TRUSTEE
722 E MARKET STREET Suite 200 LEESBURG, VIRGINIA 20176 (703) 779-0080 Call between 9AM-11AM ONLY <https://www.specofva.com/>

9/18 & 9/25/2009

NOTICE OF PUBLIC AUCTION
September 23, 2009 11A.M.

A PUBLIC AUCTION OF ALL PERSONAL PROPERTY FOUND IN STORAGE UNITS:

- #177 - Simpson, Retha
- #285 - Cunningham, Melanie
- #200 - Postma, Steven
- #275 - Beall, Shawn
- #261 - Riggall, David

LOCATION:
Fort Knox Self-Storage
755 Gateway Dr. S.E.
Leesburg, VA 20175
Manager: Carolyn Conlee
Terms of Sale: CASH

9/18/09

NOTICE OF PUBLIC HEARING

On Thursday, the 8th day of October, 2009, the Council of the Town of Lovettsville, Virginia, will conduct a public hearing on the proposed issuance of general obligation water and sewer bonds in the estimated maximum principal amount of \$600,000 to which the Town may pledge, in addition to its full faith and credit, revenues of its water and sewer system. The purpose of the proposed bonds is to finance the construction of improvements to the Town's water and sewer system, including manhole replacement and repair and pipe lining.

The public hearing will be conducted at 8:00 p.m. in the Lovettsville Town Office, 6 East Pennsylvania Avenue, Lovettsville, Virginia. Interested persons may appear at such time and place and present their views.

Elaine Walker
Mayor
Town of Lovettsville, Virginia

9/18 & 9/25/09

Leesburg Today is
the paper of
record in
Loudoun County.

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-11AM ONLY

Town of Lovettsville

MEMORANDUM

TO: Mayor and Town Council
FROM: Karin Fellers, Project Manager
DATE: September 10, 2009 Town Council Meeting
SUBJECT: Award of Contracts for I&I Rehabilitation

ISSUE:

To award contracts for Phase I Inflow and Infiltration (I&I) Action Plan.

BACKGROUND:

Olver has developed an I&I Action Plan recommending a phased approach to correcting the I&I problems in the system. The engineer has helped the Town to advertise Phase I of the corrections. These corrections are broken into three distinct contracts as the work is quite specific and often the contractors only have the expertise for one portion of the work.

ANALYSIS:

The Town received a total of 7 bids. Table 1 identifies the recommended low bidder for each contract and the cost as well as the recommended cost for Engineering Services to ensure inspection of the construction and implementation of a GIS Database for the sewer system.

Table 1. Contract Description and Low Bid Information

Contract	Work to be Completed	Recommended Low Bidder	Bid Cost
A	Cementitious Rehab of ~184 VLF of manhole walls and replacement of 16 frame and covers	D&S Contractors	\$64,476
B	Replacement of ~12 manholes	Heritage Site Development	\$89,410
C	~3000 LF of pipe lining	Pleasants Construction	\$148,160
		Subtotal Construction Cost	\$302,046
	Engineering Constr. Admin & Inspection, GIS Database Development, Training and software purchase		\$28,500

Olver has reviewed the low bidders and checked references in preparation for their recommendation. Their recommendations letters are attached for your reference.

Also attached is the Scope of Services for Olver's support to the project that Town Council approved in April. For implementation of the project, the Town Council gave authorization to issue Notice to Proceed for Tasks 1-4 which included Design Drawings and Specification Development, Bidding Services, Construction Administration Services and I&I Removal Verification. Also included in the scope are Task 5 - Inspection Services during Construction - \$22,000 and Task 6 - GIS Database Development and Training - \$5,000. Task 5 is an estimated amount assuming up to 280 hours of inspection services plus incidentals but will be billed on an hourly basis. If the contractors wind up completing the work consecutively, it is very possible that the cost for inspections would be less than that estimate. If all the contracts occur at different times, it will be necessary to limit the inspection time in order to remain within the budgeted amount, however, the Engineer believes that the budgeted amount will likely be sufficient.

Task 6 is the effort needed by Olver to provide Town Staff with the GIS Database and training necessary to populate the database with the available information on the Town's Sewer Collection System. In addition to this cost, the Town will need to purchase the GIS software for the Project Manager computer at an approximate additional cost of \$1,500.

Please note that the total cost of the I&I project including Phase I implementation appears to be approximately \$480,000. This includes all costs to Olver for the I&I Action Plan, program development, and engineering; Phase I construction costs; as well as the Legal/Bond Counsel costs. The original estimate from the engineer was \$686,000 so the project is substantially less than what was budgeted in the CIP.

RECOMMENDATIONS:

Staff and Olver recommend awarding the Contracts to the low bid contractors listed above. Olver has reviewed their bids and conducted references. Their recommendation letters are attached for your reference. Staff further recommends that Town Council authorize Notice to Proceed for Tasks 5 and 6 with Olver, Incorporated and authorize purchase of the GIS software. Having a GIS database with the Sewer Collection System information will be invaluable for the Town in implementing and managing the new FOG, SSO and I&I Maintenance Programs.

MOTION:

"I move that Town Council select the following contractors to complete Phase I of the I&I Action Plan:

1. D&S Contractors to complete Contract A for a cost of \$64,476,
2. Heritage Site Development to complete Contract B for a cost of \$89,410, and
3. Pleasants Construction to complete Contract C for a cost of \$148,160.

I further move that Town Council authorize Notice to Proceed for Tasks 5 and 6 from Olver's Proposal for Phase I Improvements to Reduce Infiltration and Inflow at a cost of \$27,000 and authorize staff to purchase the necessary GIS software at an approximate cost of \$1,500."

ATTACHMENTS:

Olver Recommendation Letter for Contracts A & C

Olver Recommendation Letter for Contract B

Olver Scope of Services for Phase I Implementation



Consulting Engineers and Applied Scientists

August 25, 2009

Ms. Karin Fellers, P.E.
Project Manager
Town of Lovettsville
6 East Pennsylvania Avenue
Lovettsville, VA 20180

Re: Town of Lovettsville - Phase I Manhole & Sewer Rehabilitation Award Recommendation
Olver Project Number: 12380.01

Dear Ms. Fellers:

On Wednesday, July 29, 2009, bids were received for the Phase I Manhole and Sewer Rehabilitation Project. Four bids were received late for this project; however, all four bids were accepted and opened late. A tabulation of the bids is enclosed for your review.

The apparent low bidder for Contract A was D&S Contractors (D&S) at a total cost of \$64,476, which is less than the engineer's estimate of \$83,100. D&S has submitted supplementary qualifying documentation, which is enclosed for your records. Among other things, this indicates that D&S has annual gross receipts of over \$1 million and sufficient bonding capacity. This project should be within D&S's financial capabilities. There are no planned subcontractors. The Virginia Department of Professional and Occupational Regulation online registry indicates that D&S is a Class A Contractor with no open or closed complaints. The Better Business Bureau (BBB) reported no complaints. We checked D&S's references in the Summer of 2009. All people we spoke with spoke highly of the firm and recommended them without hesitation or qualification.

Based upon our review of D&S's qualifications, references, and recent work history, it is OI's recommendation that the Town award a contract for the above referenced Contract to D&S Contractors.

No bids were received for Contract B.

There were three bids for Contract C and the low bid is only 7% higher than our estimates, so we believe this proposal is competitive and fair. The apparent low bidder for Contract C was Pleasants Construction, Inc. (Pleasants) at a total cost of \$159,200, which is slightly higher than the engineer's estimate of \$148,160. Pleasants submitted supplementary qualifying documentation, which is enclosed for your records. Among other things, this indicates that Pleasants has annual gross receipts of \$36 million and a bonding capacity of \$25 million. This project should be within Pleasants financial capabilities. The Virginia Department of Professional and Occupational Regulation online Registry indicated that Pleasants

Ms. Karin Fellers, P.E.
August 25, 2009
Page 2 of 2

is a Class A Contractor with no open or closed complaints. The BBB reported no complaints. We checked Pleasants' references in the summer of 2009. All people we spoke with spoke highly of the firm and recommended them without hesitation or qualification.

Based on our review of Pleasants' qualifications, references, and recent work history, it is OI's recommendation that the Town award a contract for the above referenced contract C to Pleasants Construction, Inc.

We appreciate the opportunity to work with the Town on this project. If you should have any question with respect to this recommendation letter, please do not hesitate to contact me.

Sincerely,

OLVER INCORPORATED



J.S. Brown, P.E.
Project Engineer

JSB/mlc

Enclosures



Consulting Engineers and Applied Scientists

FILE

September 2, 2009

Ms. Karin Fellers, P.E.
Project Manager
Town of Lovettsville
6 East Pennsylvania Avenue
Lovettsville, VA 20180

Re: Town of Lovettsville - Manhole Replacement Award Recommendation
Olver Project Number: 12380.01

Dear Ms. Fellers:

On Thursday, August 27, 2009, bids were received for the Town of Lovettsville Manhole Replacement Project. Three bids were received for this project. All bids were received on time and were read aloud publicly. There were no protests or other irregularities in the bid submission or reading. A tabulation of the bids is enclosed for your review.

The apparent low bidder for this project was Heritage Site Development, Inc. (Heritage) at a total cost of \$89,410, which is less than the engineer's estimate of \$137,200. Heritage has submitted supplementary qualifying documentation. Among other things, this indicates that Heritage has annual gross receipts of over \$4.5 million and bonding capacity of \$500,000. Accordingly, this project should be well within Heritage's financial capabilities. The Virginia Department of Professional and Occupational Regulation online registry indicates that Heritage is a Class A Contractor with no open or closed complaints. We checked Heritage's references. All people we spoke with spoke highly of the firm and recommended them without hesitation or qualification.

Based upon our review of Heritage's qualifications, references, and recent work history, and pending DEQ approval, it is our recommendation that the Town award a contract for the above referenced project to Heritage Site Development, Inc.

We appreciate the opportunity to work with the Town on this project. If you should have any question with respect to this recommendation letter, please do not hesitate to contact me.

Sincerely,

OLVER INCORPORATED

J.S. Brown, P.E.
Project Engineer

JSB/mlc
Enclosures

Blacksburg, VA

Charlottesville, VA

Richmond, VA

Farmville, NC

Serving Virginia and the Carolinas for over 30 years

1116 South Main Street
Blacksburg, VA 24060

Phone: (540) 552-5548

Fax: (540) 552-5577

www.olver.com

Town of Lovettsville, Virginia
2009 Manhole Replacement
Bid Results, August 27, 2009

Contractor	Total Base Bid
Arthur Construction	\$92,750.00
Heritage Site Development	\$89,410.00
Schooley Construction	\$122,400.00

Town of Lovettsville

RESOLUTION 2009-10-01

WHEREAS, in accordance with Commonwealth Transportation Board Construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation Program establish an enhancement project in the Town of Lovettsville.

WHEREAS, the Town of Lovettsville has entered into an agreement with the Virginia Department of Transportation whereby the Virginia Department of Transportation will provide oversight that ensures the project is developed in accordance with all state and federal requirements for design right of way acquisition, and construction of a federally funded transportation project.

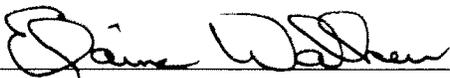
NOW, THEREFORE, BE IT RESOLVED, that the Town of Lovettsville requests the Commonwealth Transportation Board to establish a project for the improvement of Lovettsville Pedestrian/Bike Path.

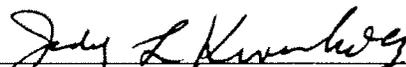
BE IT FURTHER RESOLVED, that the Town of Lovettsville hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of the project.

BE IT FURTHER RESOLVED, that the Town of Lovettsville agrees to enter into an amended agreement with the Virginia Department of Transportation whereby the Virginia Department of Transportation will provide oversight that ensures the project is developed in accordance with all state and federal requirements for design right of way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED, that if the Town of Lovettsville subsequently elects to cancel this project, the Town of Lovettsville hereby agrees to reimburse the Virginia Department of Transportation (Department) for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Lovettsville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 8th day of October, 2009

By: 
Elaine Walker, Mayor

Attest: 
Judy L. Kromholz, Town Clerk

The German Settlement